

REMARKS

In response to the Final Office Action mailed January 25, 2005, Applicant respectfully requests reconsideration.

Claims 1-37 were previously pending in this application. Claims 15-37 were withdrawn from consideration by the Examiner. By this amendment, Applicant amends claims 1, 2, 5 and 7. As a result, claims 1-14 are pending for examination, of which claims 1 and 5 are independent claims. No new matter has been added.

1. Telephone Interviews

Applicant and Applicant's representatives appreciate the courtesy of Examiner Tran in granting and conducting telephone interviews with Applicant's representative Daniel P. McLoughlin on May 17, 2005 and May 24, 2005. The substance of these telephone interviews is fully summarized herein.

During the May 17, 2005 interview, Applicant explained why claims 1 and 5 patentably distinguish over U.S. Patent No. 6,650,226 (Wuidart). However, Examiner Tran disagreed, and no agreement was reached on this issue.

On May 24, 2005, Applicant proposed amending claim 1 as shown above in the Listing of the Claims section, and explained why claim 1 so amended would distinguish over the art of record, including Wuidart. Examiner Tran agreed that such amendment would distinguish over the art of record, but indicated that he would have to conduct an additional search if such an amendment were made.

2. Double Patenting Rejection

Claims 1-8 stand provisionally rejected under the judicially-created doctrine of obvious-type double patenting as purportedly being unpatentable over claims 1-8 of co-pending U.S. Patent Application No. 09/854,144. Applicant respectfully disagrees with this rejection. However, to expedite the prosecution of this application, Applicant submits herewith a Terminal Disclaimer with respect to U.S. Patent Application No. 09/854,144. Accordingly, Applicant respectfully requests that the double patenting rejection of claims 1-8 be withdrawn.

3. Claims 1-4 and 12-14 Patentably Distinguish Over Wuidart

Claim 1 stands rejected under 35 U.S.C. §102(e) as purportedly being anticipated by Wuidart. Applicant respectfully traverses this rejection.

As shown above, Applicant has amended claim 1 to include the limitation of “means for deactivating said phase regulation means.” This amendment is clearly supported throughout the specification, including on page 15, lines 3-17; Fig. 3 (e.g., selector circuit 39 and signal COM); and in claim 2 as originally filed. It should be appreciated that these supporting citations from the specification and drawings are merely illustrative examples of subject matter covered by claim 1, but do not exemplify the full scope of the subject matter recited in claim 1.

As agreed during the May 24, 2005 interview, claim 1 as amended patentably distinguishes over Wuidart. Wuidart describes regulating the phase of an oscillating circuit by controlling capacitive element 24 of the oscillating circuit by means of a control signal CTRL. However, Wuidart fails to disclose or suggest a means for deactivating signal CTRL.

In view of the foregoing, claim 1 patentably distinguishes over Wuidart. Accordingly, Applicant respectfully requests that the rejection of claim 1 under §102(e) be withdrawn. Claims 2-4 and 12-14 each depend from claim 1 and are patentable for at least the same reasons. Accordingly, Applicant respectfully requests that the rejections of these claims be withdrawn.

4. Claims 5-11 Patentably Distinguish Over Wuidart

Claim 5 stands rejected under §102(e) as purportedly being anticipated by Wuidart. Applicant respectfully traverses this rejection.

Claim 5 has been amended as shown above to include the limitation of “**deactivating the phase regulation means.**” For reasons that should be clear from the discussion of Wuidart set forth above in Section 3, claim 5 as amended patentably distinguishes over Wuidart.

In view of the foregoing, Applicant respectfully requests that the rejection of claim 5 under §102(e) be withdrawn. Claims 6-11 depend from claim 5 and are patentable for at least the same reasons. Accordingly, Applicant respectfully requests that the rejections and objections to these claims be withdrawn.

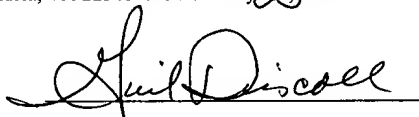
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 25, 2005.

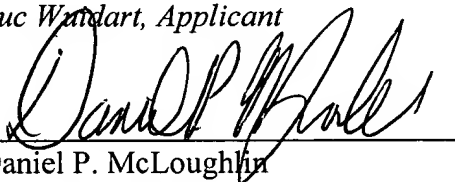


Attorney Docket No.: S1022.80664US00
X05/25/05X

Respectfully submitted,

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By:



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In the Drawings

Five (5) Replacement Sheets are attached hereto including formal drawings of Figs. 1-5.

The formal drawings of Figs. 1 and 4 reflect changes made to these Figures, as shown on the two (2) sheets of formal drawings attached hereto. In Fig. 1, the label "T_x" has been added to the arrow pointing from element 14 to element 17. This change is supported in the specification on page 2, lines 25-26. Further, in Fig. 3, all occurrences of the French word "vide" have been replaced by the English translation "off-load."

No new matter has been added by any of these changes, and the Examiner is respectfully requested to accept and enter them.

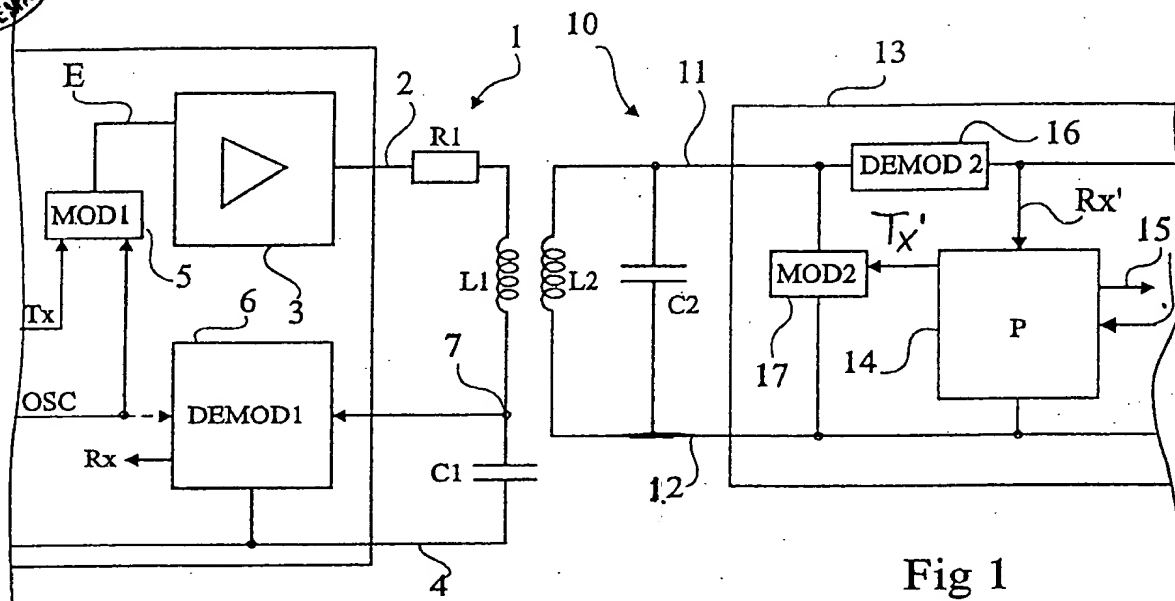
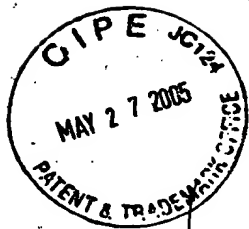


Fig 1

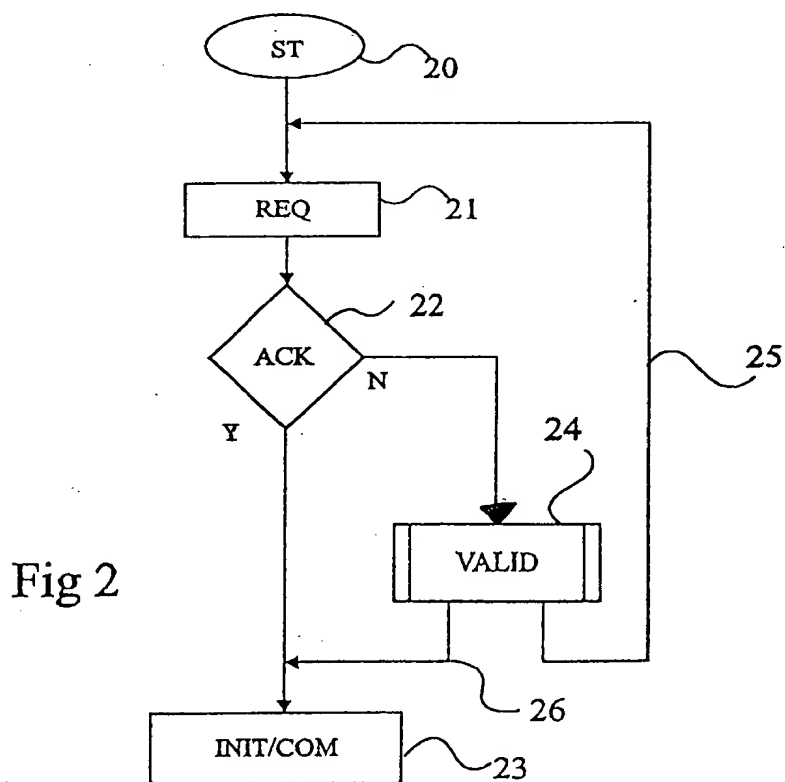


Fig 2

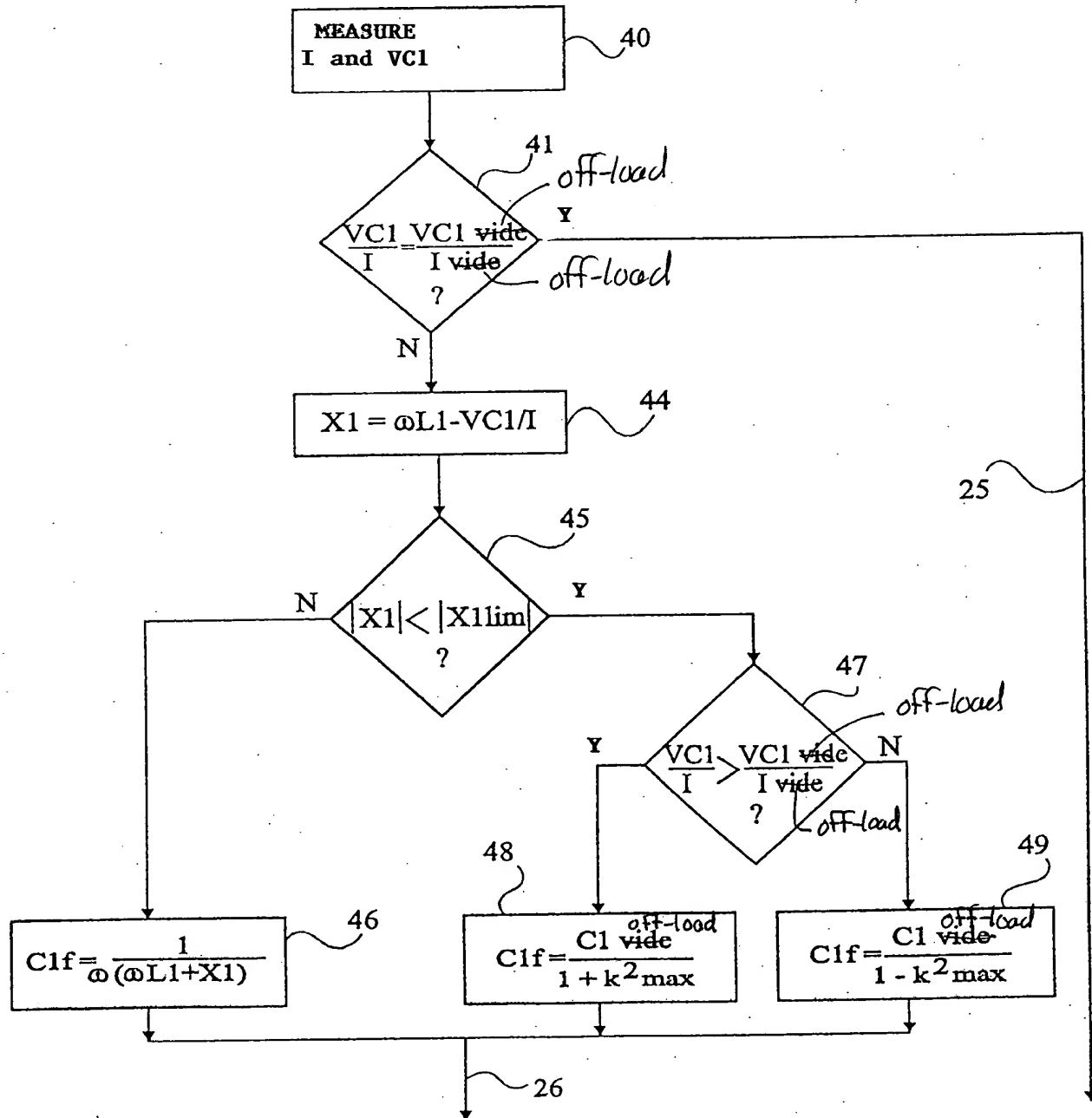
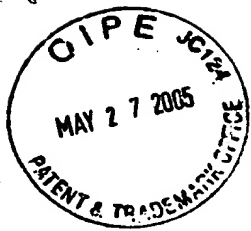


Fig 4